

JUN 14 2007

Serial No. 09/654,501
Docket No. T36-124990M/RS
NGB.185

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REMARKS

Claims 89-92, 99-106, 108 and 109 are all of the claims presently pending in the application. Claim 107 has been canceled without prejudice or disclaimer. The remaining claims have not been amended by the present Amendment.

The Examiner has erroneously indicated that claims 89-109 are pending in the Application. In the Amendment filed on January 3, 2007 Applicants canceled claims 93-98. Appropriate correction is requested.

Entry of this Amendment is believed proper since no new issues are being presented to the Examiner, which would require further consideration and/or search and the Amendment reduces the number of issues that would be presented on Appeal.

Applicants submit that the concurrently filed affidavit and Verified English Language Translation are timely even though presented after final because the Examiner first cited and applied Borner et al. (U.S. Patent No. 6,234,648; hereinafter "Borner") in the present Final Office Action. Accordingly, Applicants could not have presented the concurrently filed affidavit and Verified English Language Translation at an earlier time.

Applicants acknowledge the Examiner's indication that claims 89-106 are allowed.

Claim 107 stands rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 108 and 109 stand rejected under 35 U.S.C. §102(e) as being anticipated by, or in the alternative under 35 U.S.C. §103(a) as obvious over Borner et al. (U.S. Patent No. 6,234,648; hereinafter "Borner").

These rejections are respectfully traversed in view of the following discussion.

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I. THE WRITTEN DESCRIPTION REQUIREMENT REJECTION

Claim 107 stands rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Although Applicants disagree with the Examiner, merely in an effort to speed prosecution, Applicants have canceled claim 107, thus rendering the Examiner's rejection moot.

II. THE PRIOR ART REFERENCE

The Examiner alleges that Borner teaches (or makes obvious) the claimed invention of claims 108 and 109.

Applicants submit that Borner can be removed as a prior art reference by filing a Verified English Language Translation of Applicants' foreign priority document to perfect priority thereof.

Indeed, Borner was filed on September 24, 1999. Applicants' foreign priority document, Japanese Patent Application No. H11-249350, was filed on September 2, 1999. Thus, Borner was filed after Applicants' foreign priority document.

Applicants concurrently files herewith an affidavit and Verified English Translation of Applicants' foreign priority document, Japanese Patent Application No. H11-249350, thus perfecting Applicants' claim to priority.

Accordingly, Borner should be removed as a prior art reference against the claimed invention.

Therefore, the Examiner is respectfully requested to withdraw this rejection.

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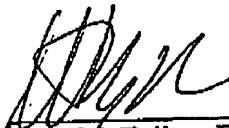
III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicants submit that claims 89-92, 99-106, 108 and 109, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: June 14, 2007

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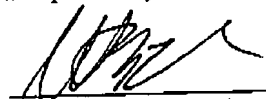
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FACSIMILE TRANSMISSION

I hereby certify that I am filing this paper via facsimile, to Group Art Unit 2815,
at (571) 273-8300, on June 14, 2007.

Date: June 14, 2007

Respectfully Submitted,



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